United Nations Convention on the Law of the Sea CLCS/25

Commission on the Limits of the Continental Shelf

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New York, 28 August-1 September 2000

Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The eighth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters, New York, from 28 August to 1 September 2000, pursuant to its decision taken at the seventh session (CLCS/21, para. 26). The Commission held a total of nine meetings.

2. The following 15 members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Noel Newton St. Claver Francis, Kazuchika Hamuro, A. Bakar Jaafar, Mladen Juračić, Yuri Borisovitch Kazmin, Iain C. Lamont, Wenzheng Lu, Yong Ahn Park and Krishna-Swami Ramachandran Srinivasan. Ali Ibrahim Beltagy, Samuel Sona Betah, Andre Chan Chim Yuk, Chisengu Leo Mdala, Karl H. F. Hinz and Daniel Rio did not attend the session owing to matters of national interest to which they had to attend.

3. The Commission had before it the following documents:

- Provisional agenda (CLCS/L.10), which, after it was adopted with amendments, was reissued (CLCS/23);
- Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (CLCS/11 and Corr.1; CLCS/11/Add.1 and Corr.1);
- Letter dated 30 April 1999 from the Legal Counsel, Under-Secretary-General of the United Nations for Legal Affairs, addressed to the Chairman of the Commission on the Limits of the Continental Shelf (CLCS/14);
- Review of existing training projects and capacities within the United Nations system (CLCS/15);
- Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission (CLCS/21);
- Basic flowchart for preparation of a submission of a coastal State to the Commission on the Limits of the Continental Shelf (CLCS/22);
- Technical and logistical preparedness of the Secretariat to provide assistance to the Commission on the Limits of the Continental Shelf in the consideration of submissions of coastal States (CLCS/INF.1), as updated;
- Modules for five-day training course with time estimates for preparation of material (CLCS/CRP.17);
- Relevant documents of the tenth Meeting of States Parties (SPLOS/58, SPLOS/59, SPLOS/60);
- Other documents and proposals as prepared by the members of the Commission.

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4. The session was opened by the Chairman, Mr. Yuri B. Kazmin. In his opening statement, the Chairman outlined the programme of work for the eighth session of the Commission. In particular, he pointed out that the main task before the Commission was to address issues concerning training and confidentiality. Regarding the training, he recalled the tasks to be performed in accordance with the decisions on training approved at the seventh session (CLCS/21, paras. 15, 17 and 26).

5. The Chairman further proposed to amend the provisional agenda to include the following additional item: "Matters pertaining to the Scientific and Technical Guidelines of the Commission". Another item to be inserted into the agenda was the issue of the Trust Funds, in view of the decisions adopted at the tenth Meeting of States Parties (SPLOS/58 and 59). The proposals were accepted and the agenda was adopted as amended (CLCS/23).

6. Under the agenda item "Matters pertaining to the Scientific and Technical Guidelines of the Commission" and upon the suggestion of the Chairman, the members of the Commission deliberated on one issue requiring clarification, namely, as to whether a submission needs to include data documenting sediment thickness, the foot of the continental slope and other relevant criteria of article 76 of the Convention relating to areas within 200 M, in support of the State's submission regarding an extended continental shelf beyond 200 M. The overall opinion of the members of the Commission was that such data must be submitted as supporting data. One member of the Commission expressed reservations in this respect, based, inter alia, on his interpretation of article 76, paragraph 8, of the Convention, and also paragraphs 3 and 4 of Annex II to the Convention. He further stated that such a requirement might not be applicable in the case of the special characteristics of the continental margin as referred to in Annex II to the Final Act of the Third United Nations Conference on the Law of the Sea where the criterion is the thickness of sedimentary rock not less than 1 km.

7. Under the same item, the Commission accepted the proposal of a technical correction to paragraph 8.2.18 of the Scientific and Technical Guidelines (CLCS/11) as follows:

The penultimate sentence of paragraph 8.2.18 *should read*:

"The 10 km spacing generally used between the OBS may, however, prove to be too large to provide an acceptable range of error."

8. The Commission then discussed the focus and purpose of training to assist coastal States, especially developing ones, in preparing their submission to the Commission. It decided to incorporate a number of modifications to the modules for a five-day training course with time estimates for preparation of material (CLCS/CRP.17), provisionally adopted at its seventh session. The modifications were based on inter-sessional work done under the auspices of Harald Brekke as Chairman of the Working Group of the Editorial Committee. The draft document, which was further developed during the current session, was then submitted to the Editorial Committee, under the chairmanship of Galo Carrera. The Committee reviewed the document prepared by the group, incorporating several modifications. Following the recommendation of the Committee, the Commission then adopted the five-day training module in its final form and decided to have it circulated as a document of the Commission (CLCS/24, to be issued).

9. In that connection, it was pointed out that such questions as funding and the further development of the training courses should be taken up by the States themselves, perhaps on a regional basis, or by international organizations and institutions involved either in training or in the scientific and technical fields relevant to the preparation of submissions. The attention of the coastal States would be drawn to the matter of training by a letter from the Chairman to the President of the fifty-fifth session of the United Nations General Assembly and to the President of the eleventh Meeting of States Parties to the United Nations Convention on the Law of the Sea. The Commission authorized its Secretary to act on its behalf in following up on the relevant decisions taken by the Meeting of States Parties, as well as on other matters related to the work of the Commission, during the session of the General Assembly.

10. The Commission reiterated its request to the Secretariat to continue its work on preparing the cost estimate for the five-day training module (CLCS/21, paras. 15 and 16). It also dealt with the issue of the trust funds and decided to defer further matters concerning the trust fund for training to the Secretariat, as that trust fund would fall under the authority of the Secretary-General of the United Nations. Further steps

and action to be taken with respect to training would be discussed at the next meeting of the Commission.

11. The Commission took note of the recommendation of the Working Group on Training, under the chairmanship of Lawrence Awosika, concerning other matters relating to training, as follows:

> The Working Group deemed that there was no need to proceed with the further development of regional training modules, as the five-day training module (CLCS/24) as adopted could be used for the implementation of courses at the regional or subregional level;
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> The Working Group concluded that it was not in the mandate of the Commission to organize training. However, that should not preclude the members of the Commission from taking part in training activities in their personal capacity, provided that such participation did not amount to providing scientific and technical advice to a particular State and that due regard was paid to ethical considerations;
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> The Working Group considered that although the trust fund for training would be administered by the Secretary-General and the Secretariat, the Commission could make recommendations, as appropriate, with respect to disbursements from the fund.

12. Regarding matters of confidentiality, the Committee on Confidentiality established at the seventh session (CLCS/21, para. 19) held several meetings under the chairmanship of Galo Carerra to discuss outstanding issues concerning confidentiality. As a result of its deliberations, the Committee proposed that the Commission should amend its Rules of Procedure (CLCS/3/Rev.2).

13. The Commission considered the proposals of the Committee on Confidentiality and decided to adopt them with amendments, as follows:

(a) Insert, after rule 10, a new rule 10 *bis*, reading:

> "*Rule 10* bis
> "*Duty to act independently*
>
> "In the performance of their duties, members of the Commission shall not seek or receive instructions from any Government or from any other authority external to the Commission. They shall refrain from any action which might reflect negatively on their position as members of the Commission."

(b) Amend rule 4, paragraph 2, of Annex II to read as follows:

"*Rule 4*

"2. Only members of the subcommission and, if necessary, specialists appointed in accordance with rule 55 shall take part in the subcommission deliberations on submissions. The Secretary and other members of the staff of the Secretariat as may be required shall be present. No other person shall be present except by permission of the subcommission."

(c) Amend rule 5 of annex II to read as follows:

"*Rule 5*
"*Enforcement of rules of confidentiality*

"1. The Commission shall elect a standing Committee on Confidentiality composed of five of its members to deal with issues of confidentiality. In case of an alleged breach of confidentiality by a member of the Commission, the Commission may institute appropriate proceedings. In such cases, the Committee on Confidentiality shall establish an investigating body consisting of either three or five of its members. The work of the investigating body shall be conducted in strict confidence and shall follow established procedures with regard to due process. Having completed its examination of the case, the investigating body shall prepare a report on its findings. The report shall contain the following:

(a) The allegations of a breach of confidentiality;

(b) The statement of the member of the Commission concerned;

(c) A synopsis of the evidence and the evaluation of it by the investigating body;

(d) The findings, indicating which of the allegations, if any, appear to be supported by the evidence;

(e) The conclusions of the investigating body;

(f) Dissenting or separate opinion, if any.

"2. The report shall be presented to the Commission. The Commission shall inform the Meeting of States Parties of the allegations and the results of the investigation, together with its recommendations.

"3. The Secretary-General shall provide the Commission with all necessary assistance in enforcing the rules concerning confidentiality."

14. The Commission requested the Secretariat to reissue the consolidated Rules of Procedure, including all amendments as adopted at its seventh and eighth sessions. The Rules of Procedure will be issued under the symbol CLCS/3/Rev.3.

15. The Commission then addressed the issue of the status of preparedness of the Secretariat to receive a submission and considered the updated version of the information note prepared by the Secretariat (CLCS/INF.1). In view of the nature, format and considerable amount of data which could be expected in connection with a submission, concerns were expressed as to whether the current staffing of the Secretariat, available premises, software and equipment were adequate for dealing with a submission. It was agreed that the Chairman of the Commission should address a letter to the Secretary-General with a view to drawing his attention to the anticipated needs for Secretariat support and to having those needs adequately reflected in the programme budget for the next biennium, with respect to personnel, premises, equipment and software. Also, the Commission recommended that the Secretariat should acquire a number of software and data packages as soon as possible. It was pointed out, inter alia, that the Secretariat would need some time to familiarize itself with those software packages and that training of staff might be required.

16. On yet another matter, it was suggested that the Commission should discuss the methodology (modus operandi) for dealing with a submission at the subcommission level. Such methodology was not provided for in any current document of the Commission. In that respect, it was pointed out that a standardized approach to examining submissions would be beneficial and would contribute to the transparency of the work of the Commission. It was agreed that that work should be started during the inter-sessional period and completed at the next session. The Commission requested the Chairman of the Editorial Committee to organize the work of the Committee during the inter-sessional period with a view to preparing proposals to be presented to the Commission at its next session.

17. The Commission re-elected by acclamation the members of the Standing Committee elected at its first session to provide scientific and technical advice to coastal States. The members of this subsidiary body are: Aly Ibrahim Beltagy, Kazuchika Hamuro, Noel Newton St. Claver Francis, Karl H. F. Hinz and Mladen Juračić, with Mr. Hinz as Chairman.

18. Under the agenda item "Other matters", the Commission discussed the time and venue of its next sessions. It was decided to hold two sessions in 2001, the ninth from 21 to 25 May 2001 and the tenth beginning on 27 August 2001. It was further decided that the tenth session of the Commission would be of three weeks' duration, in case there was a submission. If no submission were received or ready to be considered, the tenth session might be reduced to one week, or cancelled altogether, depending on the workload of the Commission.

19. The Commission once again expressed its appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as to the interpreters, translators and other staff for the assistance and services provided during the eighth session.